

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on August 17, 2004 at 7:09 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: Absent Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Mayor Carter seconded by Commissioner Gambill moved to approve the minutes of the regular meeting held on August 3, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the reports of the Police and Fire Departments for the month of July, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve bills and payroll for the first half of August.

### **Bills and Payroll**

#### **General Fund**

Payroll	\$ 255,204.55
Bills	<u>\$ 299,022.75</u>
Total	\$ 554,227.30

#### **Hotel Tax Fund**

Payroll	\$ 1,775.23
Bills	<u>\$ 4,042.95</u>
Total	\$ 5,818.18

#### **Festival Management**

Bills	<u>\$ 17,150.84</u>
Total	\$ 17,150.84

#### **Capital Project**

Bills	<u>\$ 2,242.12</u>
Total	\$ 2,242.12

#### **Water Fund**

Payroll	\$ 32,046.10
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Bills		\$ 32,010.63
	Total	\$ 64,056.73
<b><u>Sewer Fund</u></b>		
Payroll		\$ 31,235.82
Bills		\$ 56,168.18
	Total	\$ 87,404.00
<b><u>Cemetery Fund</u></b>		
Payroll		\$ 2,100.94
Bills		\$ 4,937.05
	Total	\$ 7,037.99
<b><u>Health Insurance</u></b>		
Bills		\$ 44,471.05
	Total	\$ 44,471.05
<b><u>Motel Fuel Tax</u></b>		
Bills		\$ 21,634.68
	Total	\$ 21,634.68

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Resolution 2004-2558, approving a definition for a “clear and present danger”, a Confined Space Entry Program and a Lockout / Tagout Standard Operating Procedure as recommended by the Safety Committee

## **CITY OF MATTOON, ILLINOIS**

### ***RESOLUTION NO. 2004-2558***

#### **A RESOLUTION APPROVING SUPPLEMENTS, CHANGES & UPDATES TO THE OCCUPATIONAL SAFETY AND HEALTH MANUAL**

**WHEREAS**, at meetings held June 24, 2004 and August 12, 2004, the Safety Committee considered and recommended updates to the Occupational Safety and Health Manual that change or supplement the manual approved by prior resolutions of the City Council; and

**WHEREAS**, these changes provide a definition for a “clear and present danger” in the Disciplinary Action Policy, and

initiate a Confined Space Entry Program and a Lockout / Tagout Standard Operating Procedure for potential sources of hazardous energy.

**WHEREAS**, it is now necessary for the City Council consider these supplements, changes and updates.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1.** Narrative in “Disciplinary Action Policy” of the Occupational Safety and Health Manual is hereby repealed and reenacted as follows:

Discipline may be necessary to assure employee compliance with safety rules. Violation of safety rules will result in discipline in accordance with this disciplinary action policy. This policy applies equally to management and supervisory employees.

#### Disciplinary Action Policy

An Employer's responsibility for adherence to Safety Rules and the use of Personal Protective Equipment does not cease with the promulgation of rules or the issuance of equipment. An Employer must monitor the safety process and the use of the safety equipment. An Employer must establish and enforce a disciplinary program when employee behavior deviates from safety rules.

Violation of safety rules will result in discipline. Discipline will generally be progressive according to the steps identified below, but the Employer may directly suspend or terminate employment for serious offenses that jeopardize employee health and welfare or create clear and present work place danger. “Clear and present work place danger,” means occupational hazards created by employee negligence that could result in life threatening injury, illness, or death of a fellow employee.

Step 1	1 <sup>st</sup> Offense - Verbal warning
Step 2	2 <sup>nd</sup> Offense - Written reprimand
Step 3	3 <sup>rd</sup> Offense - One (1) day suspension without pay
Step 4	4 <sup>th</sup> Offense - Three (3) days suspension without pay
Step 5	5 <sup>th</sup> Offense - Ten (10) days suspension without pay
Step 6	Termination of employment

For each 12-month period when an employee has not repeated a violation of the rules, the level of discipline will be reduced by one (1). However, the second time an employee reaches the 5<sup>th</sup> offense in a 12-month period he or she shall be terminated.

**Section 2.** The mayor and city clerk are authorized to sign a document indicating the Council’s approval of a “Confined Space Entry Program”, a copy of which is attached hereto and incorporated by reference.

**Section 3.** The mayor and city clerk are authorized to sign a document indicating the Council’s approval of a “Standard Operating Procedures for Lock Out / Tag Out for Hazardous Energy Sources ”, a copy of which is attached hereto and incorporated by reference.

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 17th day of August, 2004, by a roll call

vote, as follows:

AYES (Names): Commissioner Gambill, Commissioner Hesse,  
Commissioner Schilling, Mayor Carter

NAYS (Names): None

ABSENT (Names): Commissioner Donnell

APPROVED this 17th day of August, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 18, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Gambill moved to approve Council Decision Request 2004-344, approving a home occupation application and authorizing the mayor to sign a permit to enable a pet grooming use at 2801 Walnut Street by Stacy Root.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. Mayor Carter requested City Attorney/Treasurer Preston Owen to report on the payroll information. Attorney Owen reviewed the Mattoon Payroll Facts Sheets, detailing the decline in State shared revenues, payroll levels between years, total wages for the 2005 fiscal year budget, total wages of various departments, reductions of workforce in various departments, additional positions, management wages, and a summary of annual increases in the three unions.

AFSCME Local 31 President Tim Spidle, AFSCME Representative Rick Prince, AFSCME employees Mark Hirsch and Kenny Cook refuted how the City appeared, and discussed their concerns of contracting out union work, described evaluations of lift stations as union backed, noted the need for more police officers, and vocalized how some of the Council claimed they were pro-labor and would not contract out work when running for office.

City Attorney/Treasurer Owen described the contracted work as work that could be done without eliminating positions, and that the Police Chief was hiring two more officers at the next Council meeting.

Public Works Director David Wortman added that the Cemetery had been unfairly attacked by the union, and that the Cemetery was properly maintained. Director Wortman added that the lift station would have been unnecessarily constructed if he had not been hired.

Mayor Carter seconded by Commissioner Schilling moved to recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1), the purchase of real property for the use of the municipality (5 ILCS 120(2)(5), the setting of a price for sale or lease of property owned by the municipality (5 ILCS 120(2)(6), litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11): review performance appraisal reports for management employees (Judy Winn and Judy O'Dell), review offer received to acquire old water treatment plant property, abatement of unsafe building conditions existing at the structure formerly known as the Club Illini in the 1400 Block of Broadway Avenue, discussion on Special Ordinance 2004-1041: authorizing acquisition of the Gowin Restaurant Building at 1700 Broadway Avenue, and discussion Council Decision Request 2004-345: authorizing a \$55,000 revision to the budget for the Midtown TIF District and contracts for asbestos removal and demolition of the Gowin Restaurant Building at 1700 Broadway Avenue at 7:32 p.m.

Mayor Carter left closed session at 8:08 p.m.

Mayor Pro-tem Schilling reconvened the regular meeting from closed session at 8:34 p.m.

Mayor Pro-tem Schilling seconded by Commissioner Gambill moved to approve Special Ordinance 2004-1041, authorizing acquisition of the Gowin Restaurant Building at 1700 Broadway Avenue.

Mayor Pro-tem Schilling opened the floor for discussion. Journal Gazette Reporter Herb Meeker questioned the price of the building. City Attorney Owen stated the cost of the building was \$15,000. Special Ordinance #2004-1041 strictly authorized the purchase of the building. He further added that a local private group was providing funds to the City for the asbestos removal, demolition and building acquisition costs. Lastly, Attorney Owen stated the building is being demolished due to the fact there was no possibility of renovating the building.

Mayor Pro-tem Schilling declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

Mayor Pro-tem Schilling seconded by Commissioner Gambill moved to give notice that Council Decision Request 2004-345, authorizing a \$55,000 revision to the budget for the Midtown TIF District and contracts for asbestos removal and demolition of the Gowin Restaurant Building at 1700 Broadway Avenue would be considered at the next Council Meeting.

Mayor Pro-tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-tem Schilling declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

Commissioner Gambill seconded by Mayor Pro-tem Schilling moved to adjourn at 8:40 p.m.

Mayor Pro-tem Schilling declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

/s/ Susan J. O'Brien  
City Clerk